

EDUCATION (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: School Governance

Chapter 1: Federation of maintained schools

Section 11 – Proposals by local authorities to federate schools

24. Subsection (1) provides local authorities in Wales with the power to propose that two or more maintained schools may federate, that an existing federation federates with one or more schools, or that two or more existing federations may federate, under a single governing body.
25. Subsection (2) provides that if a local authority makes proposals to federate schools or federations under this section, it must publish those proposals. Subsection (3) provides that a local authority is to consult with certain bodies about the published proposals.
26. These requirements to publish and consult do not apply to a proposal to federate small schools. A small school is defined by an order made under section 15 of the Measure. Where there is such a proposal, sub-section (5) requires a local authority to consult only with the governing bodies of the small schools to be federated.
27. Subsection (7) provides that a local authority must determine any proposals to federate schools. Regulations will set out the procedure for determining proposals. The local authority may confirm the proposals (with or without modification or subject to the occurrence of an event) or withdraw them.
28. Subsection (8) allows local authorities to consider federating with schools maintained by another local authority providing they obtain the consent of the other local authority.
29. Subsection (9) requires the consent of certain persons before a local authority may propose a federation that include a foundation or voluntary school. Those persons are, in the case of a Roman Catholic or Church in Wales school, the diocesan authority, and for other foundation or voluntary schools, the persons who appoint the foundation governors.
30. Subsection (10) provides that regulations may specify requirements in relation to proposals to federate. These could include, for example, requiring the consent of certain persons to be obtained before an authority can make, publish or confirm proposals. Regulations made under this sub-section may make different provision for a federation involving a small school.